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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,100	03/31/2004	Mark Douglass	D-1224 R1	5175

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EXAMINER

TAYLOR, APRIL ALICIA

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/814,100

Applicant(s)

DOUGLASS, MARK

Examiner

April A. Taylor

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 40 and 41 is/are rejected.
- 7) ☒ Claim(s) 6-39 and 42-57 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Receipt is acknowledged of the Amendment filed 30 December 2004.

#### ***Claim Objections***

2. Claims 45-52 are objected to because of the following informalities:

Re claim 45: Substitute "on controller" with -- one controller -- (see line 2).

Appropriate correction is required.

(Note: Claims 46-52 are objected to since they are dependent upon an objected claim)

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 41 is rejected under 35 U.S.C. 102(e) as being anticipated by

Andersen et al (US 2003/0057271) (hereinafter Andersen).

Anderson teaches an apparatus including an ATM user card including a RFID tag having data corresponding to a user bank account information and a user input. The apparatus further includes an ATM machine including a currency dispenser; a RFID reader; and a controller in operative connection with the RFID

Art Unit: 2876

reader and the currency dispenser, wherein the controller is operative to use tag data read from card in carrying out a transaction including operation of the currency dispenser (see figure 5; and paragraphs 38-39).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersen et al (US 2003/0057271) (hereinafter Andersen) in view of Lee et al (US 6,824,049) (hereinafter Lee).

Andersen teaches an ATM machine having a currency dispenser; a user card receiving slot; a card reader configured to read data from a magnetic memory strip of an ATM card or a radio frequency identification (RFID) memory of an ATM card; wherein the machine is operative to use data read from a user card in carrying out a transaction including operation of the currency dispenser. (see figure 5; and paragraphs 38-39)

Andersen fails to specifically teach or fairly suggest wherein the ATM machine includes both a magnetic strip reader and a RFID reader, and wherein the RFID reader is positioned adjacent to the magnetic stripe reader and the slot.

Lee teaches a point of sale system including a transaction settlement terminal having a radio frequency card recognition unit 235 positioned adjacent

Art Unit: 2876

to a magnetic card recognition unit and a slot; wherein the radio frequency card recognition unit is operative to read data from a radio frequency card inserted into the slot; and a controller in operative communication with both the magnetic card recognition unit and the radio frequency recognition unit (see figure 4; col. 5, line 21 to col. 6, line 16).

In view of Lee's teaching, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ a machine having both a magnetic stripe reader and a RFID reader to the teachings of Andersen in order to provide a machine that is capable of communicating with both conventional magnetic cards and non-contact cards having a radio frequency interface so that a user is able to use the machine with more than one type of card. Furthermore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to position the RFID reader adjacent to the magnetic stripe reader and the slot so that the user can easily locate the RFID reader.

Re claim 40: Andersen as modified by Lee fails to specifically teach or fairly suggest wherein the RFID tag is releasably attached to the card. It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ a card having a releasably attached RFID tag, since applicant has not disclosed that attaching a releasably RFID tag to a card solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with either feature. Thus, it would have been an obvious expedient to provide a card having a releasably attached RFID

tag, as it would have been a matter of a design choice of the manufacturer.

***Allowable Subject Matter***

7. Claims 6-39 and 42-57 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record, taken alone or in combination, fail to teach or fairly suggest, in conjunction with other limitations in the claims an ATM machine including a controller that is operative to determine if at least a portion of the stripe data and at least a portion of the tag data have a predetermined relationship and is operative to cause the magnetic stripe reader and the RFID reader to respectively read stripe data from the stripe and tag data from the tag.

***Response to Arguments***

9. Applicant's arguments with respect to claims 1, 2, and 41 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mori (US 6,338,048) discloses an electronic transaction system.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to April A. Taylor whose telephone number is

Art Unit: 2876

(571) 272-2403. The examiner can normally be reached on Monday - Friday from 6:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [april.taylor@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Art Unit: 2876

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
AAT

27 June 2005

**DANIEL STCYR  
PRIMARY EXAMINER**